

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Amendments to the Claims**

Claims 43-60 have been cancelled without prejudice or disclaimer of the subject matter recited therein.

Further, new claims 61-67 have been added. Support for new claims 61-67 can be found, at least, in Chapter 1.7 "OTHER MODIFICATION EXAMPLES," on page 50 of the originally filed specification.

### **II. 35 U.S.C. § 103(a) Rejections**

Claims 43-45, 51, 52, and 55-58 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ansell (U.S. 6,367,019), Moribe (U.S. 5,886,979), Wu (U.S. 7,162,646) and Ogura (U.S. 7,434,266). Further, claims 46-50, 53 and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ansell, Moribe, Wu, Ogura and Lotspiech (U.S. 6,609,116). Claims 59 and 60 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination Ansell, Moribe, Wu, Ogura and Official Notice. These rejections are believed clearly inapplicable to new claims 61-67 for the following reasons.

New independent claim 61 is directed to a recording apparatus for recording encrypted content onto a recording medium storing first media key data and a first encrypted content, the first media key data including first encrypted media keys each generated by encrypting one first

media key using a corresponding device key of first device keys, the first encrypted content being generated by encrypting a content using a first media key. In addition, claim 61 recites that the recording apparatus includes a storing unit, a comparing unit, a content decrypting unit, a content encrypting unit and a deleting and writing unit. Claim 61 also recites that, when the comparing unit judges that a second media key data (stored in the storage unit) is newer than the first media key data, the content decrypting unit obtains the one first media key from the first media key data using a corresponding device key of the first device keys, and decrypts the first encrypted content stored in the recording medium using the obtained one first media key, so as to generate a content. Further, claim 61 recites that the content encrypting unit obtains (from the storing unit) one second media key from second media key data using a corresponding device key of second device keys, and encrypts the content generated by the content decrypting unit using the obtained one second media key, so as to generate a second encrypted content. Moreover, claim 61 recites that the deleting and writing unit deletes the first media key data and the first encrypted content from the recording medium, and writes the second media key data and the second encrypted content generated by the content encrypting unit to the recording medium.

Ansell, Moribe, Wu, Ogura and Lotspiech, or any combination thereof fails to disclose or suggest the above-mentioned distinguishing features required by new claim 61. The prior art references most closely related to the invention recited in claim 61 are discussed below in detail.

Specifically, the Applicants note that Ogura merely teaches that a title key is used to encrypt main data and address data, wherein the title key is encrypted by a media key and recorded in a first area of the disc that cannot be accessed by a user, and wherein the media key is encrypted using a device key and recorded in a second area of the disc that cannot be accessed by the user (see claim 10, as relied upon on pages 7 and 8 of the Office Action).

Furthermore, the Applicants note that Wu merely teaches the use of an encryption media key (1)...(n) (see Figs. 3 and 4 and col. 1, lines 56-67, as relied upon on page 6 of the Office Action).

In view of the above, it is clear that Ogura and Wu merely teach the use of a media key, wherein the title key is encrypted by the media key and the media key is encrypted by the device key, but fail to disclose or suggest (i) that, when the comparing unit judges that a second media key data (stored in the storage unit) is newer than the first media key data, the content decrypting unit obtains the one first media key from the first media key data using a corresponding device key of the first device keys, and decrypts the first encrypted content stored in the recording medium using the obtained one first media key, so as to generate a content, (ii) that the content encrypting unit obtains (from the storing unit) one second media key from second media key data using a corresponding device key of second device keys, and encrypts the content generated by the content decrypting unit using the obtained one second media key, so as to generate a second encrypted content, and (iii) the deleting and writing unit deletes the first media key data and the first encrypted content from the recording medium, and writes the second media key data and the second encrypted content generated by the content encrypting unit to the recording medium, as recited in claim 61.

Moreover, the Applicants note that Lotspiech merely teaches that a CMCK 42 includes a generation number 44 that can be a 32-bit number representing an age of the “calculate media key command” to which the CMCK 42 is appended. Specifically, Lotspiech teaches that the first CMCK 42 is represented by a level of 0, such that subsequent levels (related to a cancellation of compromised device keys) are represented as “1,” “2,” etc., wherein many CMCK’s have the same level. Moreover, Lotspiech teaches that, if the new level of the CMCK is greater than an

older level of the CMCK, then the old CMCK is read from the medium (see Fig. 8, block 60, and col. 5, line 26-67, as relied upon on pages 13 and 14 of the Office Action).

Thus, in view of the above, even though Lotspiech teaches that the CMCK includes information identifying the “age” of the calculate media command and that the new level of the CMCK is compared to the old level of the CMCK, Lotspiech still fails to disclose or suggest (i) that, when the comparing unit judges that a second media key data (stored in the storage unit) is newer than the first media key data, the content decrypting unit obtains the one first media key from the first media key data using a corresponding device key of the first device keys, and decrypts the first encrypted content stored in the recording medium using the obtained one first media key, so as to generate a content, (ii) that the content encrypting unit obtains (from the storing unit) one second media key from second media key data using a corresponding device key of second device keys, and encrypts the content generated by the content decrypting unit using the obtained one second media key, so as to generate a second encrypted content, and (iii) the deleting and writing unit deletes the first media key data and the first encrypted content from the recording medium, and writes the second media key data and the second encrypted content generated by the content encrypting unit to the recording medium, as recited in claim 61.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 61 and claims 62-65 that depend therefrom would not have been obvious or result from any combination of Ansell, Moribe, Wu, Ogura and Lotspiech.

Additionally, as mentioned above, a benefit of the structure required by claim 61 is that, when the second media key data, which is newer than the first media key data, is issued, it is possible to decrypt the first encrypted content based on the first media key obtained from the first media key data, and encrypt the generated content based on the second media key obtained from

the second media key data to generate the second encrypted content. Accordingly, content recorded on the recording medium is updated with a content based on new media key data by the content decrypting unit and the content encrypting unit.

In contrast and in light of the discussion above, any combination of Ansell, Moribe, Wu, Ogura and Lotspiech does not make it possible to decrypt the first encrypted content based on the first media key obtained from the first media key data, and encrypt the generated content based on the second media key obtained from the second media key data to generate the second encrypted content, because the combination of Ansell, Moribe, Wu, Ogura and Lotspiech fails to disclose or suggest the limitations of the content decrypting unit, the content encrypting unit and the deleting and writing unit, as recited in claim 61.

Furthermore, there is no disclosure or suggestion in Ansell, Moribe, Wu, Ogura and Lotspiech and/or Official Notice or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Ansell, Moribe, Wu, Ogura and Lotspiech and/or the Official Notice to obtain the invention of independent claim 61. Accordingly, it is respectfully submitted that independent claim 61 and claims 62-65 that depend therefrom are clearly allowable over the prior art of record.

Independent claims 66 and 67 are directed to a method and a program, respectively and each recite features that correspond to the above-mentioned distinguishing features of independent claim 61. Thus, for the same reasons discussed above, it is respectfully submitted that independent claims 66 and 67 are allowable over the prior art of record.

### III. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Toshihisa NAKANO et al.

/Andrew L. Dunlap/

By 2011.03.22 14:05:57 -04'00'

Andrew L. Dunlap  
Registration No. 60,554  
Attorney for Applicants

ALD/led  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
March 22, 2011